



Texas Constitution violate their United States constitutional due process rights and equal protection clauses of the 14<sup>th</sup> Amendment. Plaintiffs are seeking both a declaration that the Texas State laws are unconstitutional and a permanent injunction prohibiting their enforcement. Currently pending before the Court is Plaintiffs' request for a preliminary injunction.

2. The Texas Office of the Attorney General represents the State Defendants. In the *State Defendants' Response in Opposition to Plaintiffs' Motion for Preliminary Injunction* (document 40), the State Defendants address the constitutional challenges to the statute and constitutional amendment in question. More importantly at this time, the State Defendants also address the requirements to be met before a preliminary injunction can be granted. These issues have been briefed by both the Plaintiffs and the State Defendants.

3. Plaintiff did not confer with County Clerk Rickhoff in regard to the request for a preliminary injunction. There is no need to issue an injunction to include Bexar County Clerk Rickhoff. If a preliminary injunction is entered that these particular statutes and the constitutional amendment are unconstitutional, Defendant Rickhoff intends to abide by this Court's decisions unless such judgment is reversed or stayed on appeal. In the event Defendant Rickhoff threatens to disregard a federal judgment and adhere to state law should the state

law be declared unconstitutional, the Court is of course free to reconsider the necessity of injunctive relief against Defendant Rickhoff.

4. Defendant Rickhoff has filed a motion to be dismissed from this lawsuit for failure to state a claim for which relief they seek can be granted. The only action of Defendant Rickhoff has been adherence to mandated procedures of existing state law. Defendant Rickhoff did nothing and does nothing different from what the other 253 county clerks in Texas are required to do in regard to the Texas Family Code and the stated Constitutional amendment. An injunctive order against Defendant Rickhoff will not further resolve the issues of the constitutionality of section 2.001 of the Family Code and the amendment to the Texas Constitution.

THEREFORE, FOR THE REASONS STATED ABOVE, Bexar County Gerard Rickhoff would pray that he be dismissed from the above styled and numbered cause, and for such other relief to which he may show himself entitled.

Respectfully submitted

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to

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